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La Haye
Division de la
recherche

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BELGIQUE

Datum/Date

22.07.03

Zeichen/Ref./Réf.

120818 AN

Anmeldung Nr./Application No./Demande n°./Patent Nr./Patent No./Brevet n°.

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Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire
ALCATEL

COMMUNICATION

The European Patent Office herewith transmits as an enclosure the European search report for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

- Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

The following specifications given by the applicant have been approved by the Search Division:

abstract

title

- The abstract was modified by the Search Division and the definitive text is attached to this communication.

The following figure will be published together with the abstract:

1

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REFUND OF THE SEARCH FEE

Handwritten notes: abylen tegu, 1/12 AUB, m. den haag AVS



If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.



DOCUMENTS CONSIDERED TO BE RELEVANT			CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	
X	US 2002/172149 A1 (KINOSHITA HIROSHI ET AL) 21 November 2002 (2002-11-21) * paragraphs '0016!-'0025! * * paragraphs '0065!-'0071! * * paragraphs '0134!-'0151! * * figures 1-8,19,20 * ---	1-10	H04L12/56
A	WO 01 86864 A (FUJITSU NETWORK COMMUNICATIONS) 15 November 2001 (2001-11-15) * page 5, line 21 - page 12, line 2 * * figures 1,2 * ---	1-10	
A	US 2002/133756 A1 (JAIN SUDHANSU) 19 September 2002 (2002-09-19) * paragraphs '0015!-'0019! * * paragraphs '0079!-'0091! * * figures 6,7 * ---	1-10	
A	ISELT A: "A new synchronization algorithm for hitless protection switching in ATM networks" PERFORMANCE, COMPUTING AND COMMUNICATIONS CONFERENCE, 1999 IEEE INTERNATIONAL SCOTTSDALE, AZ, USA 10-12 FEB. 1999, PISCATAWAY, NJ, USA, IEEE, US, 10 February 1999 (1999-02-10), pages 370-376, XP010323668 ISBN: 0-7803-5258-0 * the whole document * --/-/--	1-10	<div style="display: flex; justify-content: space-between;"> TECHNICAL FIELDS SEARCHED (Int.Cl.7) </div> <p>H04L</p>
The present search report has been drawn up for all claims			
1	Place of search	Date of completion of the search	Examiner
EPO FORM 1503/03 82 (P04C01)	MUNICH	10 July 2003	Kreppel, J
CATEGORY OF CITED DOCUMENTS	T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document		
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document			



DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
A	VEITCH P A ET AL: "RESTORATION STRATEGIES FOR FUTURE NETWORKS" ELECTRONICS AND COMMUNICATION ENGINEERING JOURNAL, INSTITUTION OF ELECTRICAL ENGINEERS, LONDON, GB, vol. 7, no. 3, 1 June 1995 (1995-06-01), pages 97-103, XP000544975 ISSN: 0954-0695 * the whole document *	1-10	
			TECHNICAL FIELDS SEARCHED (Int.Cl.7)
1	The present search report has been drawn up for all claims		
	Place of search MUNICH	Date of completion of the search 10 July 2003	Examiner Kreppel, J.
	CATEGORY OF CITED DOCUMENTS X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document		T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons B : member of the same patent family, corresponding document

**ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.**

EP 03 29 0252

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

10-07-2003

Patent document cited in search report		Publication date		Patent family member(s)		Publication date
US 2002172149	A1	21-11-2002	JP	2002344491 A		29-11-2002
WO 0186864	A	15-11-2001	AU	5575601 A		20-11-2001
			AU	5737001 A		20-11-2001
			AU	5737901 A		20-11-2001
			AU	5738001 A		20-11-2001
			AU	5738101 A		20-11-2001
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			WO	0186862 A2		15-11-2001
			WO	0187000 A1		15-11-2001
			WO	0186863 A1		15-11-2001
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			US	6515966 B1		04-02-2003
			US	2002006112 A1		17-01-2002
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			WO	02065306 A1		22-08-2002
			WO	02065661 A1		22-08-2002
			US	2002112072 A1		15-08-2002
			US	2002116669 A1		22-08-2002

Extended European Search Report

This application is covered by the extended European search report pilot project at present running within the European Patent Office, applied to all European patent applications filed as first filing and searched on or after 01.07.03. Under this project the EPO issues together with the search report an opinion on whether the application and the invention to which it relates meet the requirements of the EPC. This non-binding opinion is issued free of charge as a service. This opinion may be used as the basis for an informed decision as to whether it is desired to pursue the application further or not.

For further details of this pilot project, the applicant's attention is directed to the Official Journal edition 5/2003. If any further immediate questions or comments arise the EPO Customer Services: +31-70-340 4500 or +49-89-2399 2828 can be contacted.

The examination has revealed that the application or the invention to which it relates appear **not** to meet the requirements of the Convention (see comments on enclosed Form 2906).

If the applicant wishes to continue with this application the examination fee must be paid. Where appropriate amendments can be filed to address the objections raised in the opinion, thus shortening the overall procedure. If no amendments are filed, the opinion will be re-issued as the first official communication under Article 96(2) and Rule 51(2) EPC.

If the examination fee has already been paid and the right to the communication under Article 96(1) EPC has been waived for this application, the first official communication under Article 96(2) and Rule 51(2) EPC will be issued promptly.



The examination is being carried out on the **following application documents**:

Text for the Contracting States:

AT BE BG CH CY CZ DE DK EE ES FI FR GB GR HU IE IT LU MC NL PT SE SI SK TR LI

Description, pages:

1-11 as originally filed

Claims, No.:

1-10 as originally filed

Drawings, sheets:

1 2-2/2 as originally filed

1. The following document (D) is referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: US 2002/172149 A1 (KINOSHITA HIROSHI ET AL) 21 November 2002
(2002-11-21)

2. **Claim 1** is not clearly defined according to Article 84 EPC for the following reasons:

- The step of "receiving one or more diversity parameters" is not clear in connection with the step of "exchanging information between said serving edge nodes". According to the description (cp. page 7, lines 17-20), a set of diversity parameters is received by the first serving edge node from a client source node.
- It is furthermore essential to the definition of the claimed invention (Rule 29 (1) and (3)), that a connection is established between a client source node and a client destination node located in respective client networks whereby the client source node is connected to a first and second serving edge node



via a first and second client edge node.

- The formulation "said connection" (claim 1, line 11) is unclear because it is not apparent whether it refers to the first or the further connection.
- 3. As explained below, some of the features in the apparatus **claims 7 to 10** relate to a method of using the apparatus rather than clearly defining the apparatus in terms of its technical features. The intended limitations are therefore not clear from this claim, contrary to the requirements of Article 84 EPC. The relation of the explicitly defined apparatus features ("request-transceiver", "connection-parameter-transceiver" an "calculator") to the features of the method defined by claim 1 is furthermore unclear. According to the method, a connection is e.g. setup whereas the apparatus comprises only means for calculating a connection. The apparatus corresponding to the method should clearly identify the apparatus features corresponding to the method features defined by claim 1.
- 4. **Claim 7** includes all the features of **claim 8**. Hence, claim 7 should be reformulated as a claim dependent on claim 8, cf. Rule 29(4) EPC and the Guidelines C-III, 3.5. The same is valid for independent **claim 9** which comprises all the features of independent **claim 10**.
- 5. Document **D1** relates to the automatic setup of protection paths controlled by parameters exchanged between network nodes during connection setup. This is also possible at borders between networks, i.e. redundant paths are established also across these borders (cp. paragraph [0016]).

Hence, document D1 discloses, according to the features of **claim 1**:

- a connection and a further connection via a first and a second serving edge node in a serving network (FIG. 20: connection B-C-D via edge node C and connection B-G-H-I-D via edge node H);
- receiving diversity parameters defining diversities between said connections (paragraph [0020]));



- exchanging information between the serving edge nodes (paragraph [0022])), and
- setting up at least part of a connection (paragraph [0019]).

The subject-matter of claim 1 is therefore not new (Article 54(1) and (2) EPC). Claim 1 is thus not allowable (Article 52(1) EPC).

6. The same objection of lack of novelty also applies, mutatis mutandis, to independent **claims 7 to 10** which relate to respective apparatus entirely corresponding to the method defined by claim 1. Claims 7 to 10 are thus also not allowable under Articles 52(1), 54(1) and (2) EPC for the same reasons set out above with respect to claim 1.
7. Dependent **claims 2 to 6** do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the EPC with respect to novelty and/or inventive step, the reasons being as follows:
 - Claim 2: FIG. 20: nodes B and G.
 - Claims 3-6: each node of the working path A-B-C-D-E performs the same operations, e.g. edge node H receives a protection path setup request from node C for bypassing e.g. node D, etc. (cp. paragraph [0135]). The protection path setup messages according to D1 carry various parameters. At least node diversity is disclosed in D1 (cp. paragraph [0082]-[0100]). Other modes of diversity are part of common expert knowledge in the art.
8. It is not at present apparent which part of the application could serve as a basis for a new, allowable claim. Should the applicant nevertheless regard some particular matter as patentable, an independent claim should be filed taking account of Rule 29(1) EPC. The applicant should also indicate in the letter of reply the difference of the subject-matter of the new claim vis-à-vis the state of the art and the significance thereof.

Any newly filed independent claim should be in the two-part form recommended by Rule 29(1) EPC having a pre-characterizing portion which correctly reflects the prior art of documents D1.



The opening part of the description should be modified to bring it into agreement with an amended independent claim and to take the relevant background art disclosed in document D1 into account (Rule 27(1)(b) EPC).